

### REMARKS

Claims 1-21 remain pending with claims 1-7 being withdrawn from consideration. Applicants have carefully reviewed the Examiner's basis for the rejection and believe the arguments that are set forth below effectively address such rejection. Nonetheless, Applicants have amended independent claims 8 and 13 to further clarify the present invention. Reconsideration of the application as amended is respectfully requested. Support for the amendment to claims 8 and 13 is found in the specification and drawings as filed. Applicants respectfully submit that no new matter has been added in making the amendments herein.

#### Election/Restrictions

Applicants acknowledge Examiner's designation of Applicants' election of Group II in Paper No. 6 as an election without traverse.

#### Claim Rejections - 35 U.S.C. § 103

Claims 8-21 were rejected under 35 USC §103(a) as being obvious over Kume et al. (USPN 5,411,016) in view of Muni et al. (USPN 5,316,706). The Examiner concedes that the primary reference does not teach that the device is to be constructed specifically of polyetheretherketone (PEEK). In fact, Kume teaches that **any** optically transparent polymer may be used (column 6, lines 32 and 35). With regard to the teachings of the secondary reference, it is to be noted that while the use of PEEK is disclosed, no suggestion is made that the material is to be transparent or even that it may be transparent. While crystallinity affects transparency, other factors, such as the presence of gels and waterspots (specification page 3, lines 13-16) have a significant impact to the extent that amorphous PEEK is therefore not necessarily transparent. No suggestion is made that the use of PEEK can simultaneously provide a catheter shaft that has

the desired transparency **and** sufficient strength and stiffness to transmit torque and push for maneuvering the distal end of a catheter through the vasculature of the patient. It is therefore respectfully submitted that this combination of references does not suggest that a section of catheter shaft is to be formed of a substantially transparent PEEK as is clearly called for in independent claim 8 and all claims depending therefrom.

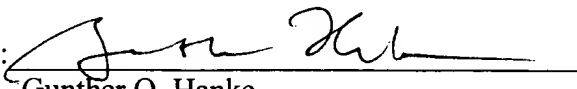
Independent claim 13 was amended to emphasize that the transparent section is to be located near the proximal end of the catheter. Both of the cited references teach away from this limitation to the extent that the transparent section 35 of Kume et al. is disposed adjacent the balloon at the distal end of the catheter while only the distal tip of the Muni et al. device is amorphous, irrespective of whether it is transparent or not. It is therefore respectfully submitted that the cited combination of references cannot render obvious independent claim 13 as currently pending or any claims depending therefrom.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In light of the above amendment and remarks, Applicants earnestly believe the application to now be in condition for allowance and respectfully request that it be passed to issue.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Please amend claims 8 and 13 as follows:

8. (Amended) An intraluminal catheter, comprising a catheter shaft having a proximal end, a distal end, and a lumen therebetween [therein], wherein [and having] at least a section of the shaft is [being substantially transparent and] formed from [a] an extruded polymeric catheter shaft of polyetheretherketone polymeric material that is substantially  
5 transparent.

13. (Amended) An intraluminal balloon catheter, comprising:

(a) an elongated catheter shaft having a proximal end, a distal end, an inflation lumen, and having a substantially transparent shaft section formed of an extruded amorphous polymeric material near the proximal end;

5 (b) an inflatable member on a distal section of the shaft, having a proximal end, a distal end, and an interior in fluid communication with the inflation lumen.